

REMARKS

In the Office Action mailed May 20, 2004, Examiner objected to claims 6 and 7 for the indefinite phrase "said member". Claims 6 and 7 have now been amended to recite the member as a grip enhancing member.

Examiner also objected to claims 1-3 and 5-8 as being anticipated by Stilson '520 the Examiner reciting the elements of the claims and their corresponding part numbers from the Stilson '520 disclosure so as to establish the anticipation. With respect, applicant wishes to point out that the phrase taken from claim 1 in the present application, namely, "said end surface extending from said opening to said shank of said hook," although recited by Examiner as being found in Stilson, is not given any corresponding part number from Stilson. Applicant submits that there is no part in the Stilson device that corresponds to the end surface of the gate extending from the opening into the hook to the shank of the hook. Stilson neither nor teaches nor suggests this limitation.

Referring to the application as filed, commencing in line 9 on page 5, the applicant teaches that surface 30a, which is the end surface claimed in claim 1, extends across hook space 16 from distal end 18 to shank 14a of hook 14 so that an object held in the hook space will not ordinarily by itself open gate 30 by merely pressing against surface 30a. The function of preventing an object held within the hook from pressing the gate outwardly against the return biasing force of the resilient spring, spring 6 in the teaching of Stilson, is by the Stilson teaching accomplished by the distal end of spring 6. The end of spring 6 is pushed clear of the end of the hook by the operation of lever 11 forcing cam 12 against the spring. With the movement of cam 12 about pivot 9, spring 6 is pressed so as to move across the hook to lay flush against the shank. In the present invention this function is accomplished by the more robust structure taught and claimed respecting the structure of the gate, namely that the end of the gate, that is the end surface as claimed, extends from the opening into the hook across to the shank.

Claim 1 is now amended to further clarify the distinction. Claim 1 now includes the limitation that the end surface extending from the opening to the shank of the hook is

generally orthogonal relative to the shank so as to extend across the hook space whereby when the gate is in the closed position an object in the hook space pressing against the end surface will not urge the gate into its open position against the return biasing force of the resilient biasing means mounted in the mid section of the elongate member.

Given the less robust solution to the problem suggested by Stilson, that is the use of the spring itself to occlude the hook opening, applicant submits that one would not be led to the claimed structure in the present invention as to do so would require modifying the snap hook of Stilson to remove the thumb lever and cam, to shorten the spring, and to widen the locking bar 8 so as to extend the end of the locking bar across the hook space from the end of the hook to the shank. None of this is either taught or suggested by Stilson and nor for that matter by any of the cited prior art whether taken singularly or collectively.

Applicant also introduces new independent claim 9. Claim 9 corresponds to claim 1 as filed with the additional limitations that the grip enhancing member is mounted to the gate adjacent the end surface of the gate between the end surface and the pivot, and wherein the gate does not extend substantially beyond the pivot opposite from the distal end of the gate. Claim 9 also contains the limitation discussed above, in its form as originally filed in claim 1, namely that the end surface extends from the opening to the shank of the hook. Applicant respectfully submits that claim 9 patentably distinguishes over the prior art of record. Claims 10-16 depend directly or indirectly from claim 9 and correspond to claims 2-8 as amended.

Applicant submits that the dependent claims depending from claims 1 and 9 are patentable for at least the reason that they include the limitations of the patentable independent claims from which they depend.